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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,462	08/26/2003	Kevin J. Gebke	29020/116B	5104
4743	7590	06/02/2004	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 6300 SEARS TOWER 233 S. WACKER DRIVE CHICAGO, IL 60606			BOLES, DEREK	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/648,462	GEBKE, KEVIN J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Derek S. Boles	3749	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/20/04, 1/30/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites the limitation "each step" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 18-21 are rejected under 35 U.S.C. 102(a) as being anticipated by Paschke. See 46.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim(s) 1-4, 8-13, 15 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paschke (6,558,250) in view of Schwab (3,204,391). Paschke discloses all of the limitations of the claim(s) except for a conical inflatable filter. Schwab discloses the presence of a conical inflatable filter. See fig. 2 and abstract of Paschke and col. 2, lines 44-60 of Schwab. Hence, one skilled in the art would find it obvious to modify the system of Paschke to include the conical inflatable filter of Schwab for the purpose of increased debris protection. Regarding claims 3, 4 and 22-26 see 46. Regarding claim 26 see fig. 3 of Paschke. Regarding claim 11, the porosity of the duct define discharge openings. Regarding claim 12, see 40.

Claim(s) 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paschke in view Schwab and in further view of Dixon et al. (3,870,495). Paschke in view Schwab discloses all of the limitations of the claim(s) except for a plurality of interconnected pleats. Dixon et al. discloses the presence of a plurality of interconnected pleats. See fig. 4. Hence, one skilled in the art would find it obvious to modify the system of Paschke in view Schwab to include the a plurality of interconnected pleats of Dixon et al. for the purpose of ease of installation.

Claim(s) 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paschke in view of Schwab and in further view of Murray et al. (6,217,437). Paschke in view of Schwab discloses all of the limitations of the claim(s) except for the blower being between the pre-filter and the inflatable filter. Murray et al. discloses the presence of the blower being downstream of a pre-filter. See col. 2, lines 37-65. Hence, one skilled in the art would find it obvious to modify the system of Paschke in view of Schwab to include a the blower being between the pre-filter and the inflatable filter of Murray et al. for the purpose of increased debris protection. Regarding claim 7, see col. 3, lines 17-22.

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Claim(s) 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paschke in view of Schwab and in further view of Townsend (5,165,732). Paschke in view of Schwab discloses all of the limitations of the claim(s) except for the connectors having metal teeth and a slider. Townsend discloses the presence of the connectors having metal teeth and a slider. See fig. 10 and col. 4, lines 5-11. Hence, one skilled in the art would find it obvious to modify the system of Paschke in view of Schwab to include the connectors having metal teeth and a slider of Townsend for the purpose of increased durability and quicker connectability.

Paschke in view of Schwab discloses the claimed invention except for the mating strips of the connectors being made of polymer material and formed by extrusion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the mating strips of the connectors being made of polymer material and formed by extrusion, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The provided references are representative of the state of the art that is applicable to the applicant's invention. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek S. Boles at (703) 308-1804 or fax number (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861. The Supervisory Primary Examiner for Art Unit 3749 is Ira Lazarus who can be reached at (703) 308-1935.

D.S.B.



**DEREK S. BOLES**  
**PRIMARY EXAMINER**  
**GROUP 3700**

5/30/04